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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-------------------------|---------------------------|------------------|
| 09/613,979 | 08/22/2000 | Palani Raj R. Wallapert | KCX-27415145 | 1403 |
| 2282* | 7530 | 06/10/2003 | | |
| DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449 | | | EXAMINER HALPERN, MARK | |
| | | | ART UNIT 1731 | PAPER NUMBER |

DATE MAILED: 06/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | |
|-----------------|-------------------|
| Application No. | Applicant(s) |
| 09/643,979 | WALLAJAPET ET AL. |
| Examiner | Art Unit |
| Mark Halpern | 1731 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

Extensions of time may be available under the provisions of 37 CFR 1.136(d). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 21 May 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 36-69 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 36-69 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Disposition of Claims

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s) _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other:

DETAILED ACTION

- 1) Acknowledgement is made of Amendment received 5/21/2003. Applicants cancel claims 1-35, and introduce new claims 36-69, for consideration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 2) Claims 36-65, 67-69, are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (5,651,862).

Claims 36, 47, 53, 58, 61, 69: Anderson discloses a process wherein a cellulosic fibrous material and a superabsorbent material are slurry combined to make a wet-formed composite product (col. 3, lines 17-50). The superabsorbent material disclosed is capable of absorbing up to 100 times or more of its weight in water (col. 3, lines 50-55). The wet-formed composite is of a basis weight from about 20 grams per square meter (col. 5, lines 34-50). The superabsorbent material is swellable up to ten times its weight (col. 4, lines 24-46). The composite is dried in drier 64 (col. 10, lines 1-9 and Figure 9). The superabsorbent material comprises less than ten weight percent of the product (col. 5, lines 13-23). The superabsorbent material comprises 5 weight percent of the product (col. 5, lines 13-23). This also reads on the upper limit of "about 3% by

"weight" of the present invention range. The composite may be a tissue product (col. 6, lines 34-40).

Claims 37, 54: the superabsorbent material is provided in a dry state (col. 8, lines 28-32).

Claims 38-40, 42, 55-56, 65: the superabsorbent material is swellable up to ten times its weight (col. 4, lines 24-46). The superabsorbent material comprises 0.005 to about 3.0 weight percent of the solution (col. 5, lines 1-10).

Claims 41, 64: the superabsorbent material comprises 5 weight percent of the product (col. 5, lines 13-23). This reads on the upper limit of "about 3% by weight" of the present invention range.

Claims 43, 57: a wet strength agent is added to the process (col. 5, lines 7-10).

Claim 44: the paper web is softened (col. 12, lines 13-20).

Claims 45-46, 62-63: the moisture content of the product is from 0 to about 25 weight percent (col. 10, lines 15-20).

Claim 48: superabsorbent material and cellulosic fibrous material are combined in the headbox (col. 8, line 13 to col. 10, line 9, and Figures 7-9).

Claims 49-51, 59, 68: the superabsorbent material includes guar gum, pectin agar (col. 3, lines 55-60), and may be in the form of particles, fibers, spheres (col. 4, lines 9-13).

Claims 52, 60, 67: the paper web formed is dried using a through-air-dryer (col. 10, lines 10-16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3) Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Nielsen (6,416,624). Anderson is applied as above for claim 61. Anderson fails to disclose that the absorbed tissue product contains multiple plies. Nielsen discloses an absorbent multiple plies tissue (col. 7, lines 25-32). It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Anderson and Nielsen, because such a combination would produce a multiple plies product of lower water content, thus reduce the cost of drying of the web of design of Anderson, as disclosed by Nielsen (Abstract).

Response to Amendment

4) Claims 1-35, rejection under 35 U.S.C. 102(b) as being anticipated by Anderson, is withdrawn in view of cancelled claims.

Conclusion

5) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 703-305-4522. The examiner can normally be reached on Mon-Fri, (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

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Art Unit: 1731

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June 20, 2003

MH

Mark Halpern
Patent Examiner
Art Unit 1731


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